

JUL 14 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90201

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se debtor, alleges that a bankruptcy judge made various improper substantive and procedural rulings. These charges relate directly to the merits of the judge's rulings and must be dismissed. See 28 U.S.C.

§ 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not the proper vehicle for challenging the merits of a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant claims that the judge improperly cut his hearing short, but a review of the transcripts he offers reveals the judge understood complainant's arguments and rejected them on the merits.

Complainant also alleges that the judge is mentally incompetent. As proof, complainant points to transcripts where he claims the judge contradicted himself. But the transcripts show only that the judge may have misspoken or not spoken clearly on one occasion. When complainant brought the perceived contradiction to

the judge's attention, he explained: "[M]aybe my voice wasn't clear[,] . . . but I am absolutely clear about . . . what my findings were" Nothing in the transcripts suggests that the judge shows "signs of psychological disorder."

Instead, the transcripts show that the judge is in full control of his sanity—and his courtroom. Because there is no proof whatsoever that the judge is disabled, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

DISMISSED.